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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: :

Misc. No: 13 Misc. 00099

The Application of Barthélémy Samuel Jean Dessaint  
for an Order Pursuant to 28 U.S.C. § 1782  
Compelling the Production of  
Documents and Testimony by  
Christie's, Inc.  
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**STIPULATION AND ORDER**

WHEREAS, Applicant Barthélémy Samuel Jean Dessaint ("Dessaint") commenced this proceeding on March 20, 2013 (the "Application") seeking discovery in aid of a lawsuit in Paris Civil court regarding the estate of Louise Lignel-Delaroche, originally brought by his father and continued after his father's death by Dessaint, against his father's uncle, Jean-Charles Lignel, Case Number RG 05/05939, (the "French Action");

WHEREAS, eight paintings from the Louise Lignel-Delaroche Estate were sold at auction at Christie's, Inc. ("Christie's") on November 8, 2006 and documents and information probative to the valuation of the estate and Dessaint's stake in the French Action are located with Christie's in New York;

WHEREAS, on March 25, 2013, Christie's consented to the issuance of the subpoena directed to Christie's that was annexed to the Proposed Order and is attached hereto as Exhibit A (the "Christie's Subpoena") but not to the subpoenas directed to Christie's employees, Karen Gray and Brooke Lampley;

WHEREAS, Christie's reserves the right to object to particular requests for documents listed in Schedule A to the Christie's Subpoena but the parties believe that they can themselves negotiate any modifications to the Christie's Subpoena governing the scope of the documents to be searched for and produced;

WHEREAS, Christie's has agreed to produce documents and to provide an affidavit to accompany its production of documents;

WHEREAS, Dessaint has agreed to withdraw his request for a deposition of Christie's without prejudice to its rights to renew such request in the event that Christie's fails to comply with the Christie's Subpoena and/or the terms of this Stipulation and Order;

WHEREAS, the parties request that the hearing on the Order to Show Cause scheduled for March 27 at 3:30 p.m. be adjourned to April 11 at 11:30 a.m.; and

WHEREAS, the parties seek to have such this stipulation ordered by this Court;

NOW, THEREFORE, AND SUBJECT TO THE APPROVAL OF THE COURT IT IS HEREBY STIPULATED AND AGREED, between Dessaint and Christie's, by their undersigned attorneys, that:


- (1) Dessaint be permitted to serve the Christie's Subpoena attached hereto as Exhibit A;
- (2) Subject to and without waiving its objections to the Christie's Subpoena, Christie's (a) shall begin producing documents responsive to the Christie's Subpoena by April 1, 2013; (b) shall make its best efforts to substantially complete the production of documents responsive to the Christie's Subpoena by April 8, 2013; (c) shall provide an affidavit to accompany its production of documents responsive to the Christie's Subpoena.
- (3) Dessaint hereby withdraws his request for the issuance of subpoenas to Christie's employees, Karen Gray and Brooke Lampley.
- (4) Dessaint hereby withdraws his request for a deposition of Christie's, without prejudice to its rights to renew such request in the event that Christie's fails to comply with the Christie's Subpoena and/or the terms of this Stipulation and Order;

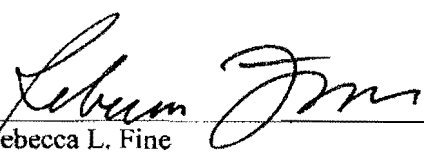
(5) The hearing on the Order to Show Cause scheduled for March 27 at 3:30 p.m. is adjourned to April 11 at 11:30 a.m.; and

(6) Nothing contained herein nor actions taken to comply with this Stipulation and Order shall prejudice Applicant's or Christie's rights, claims or defenses in this proceeding or any other proceeding, including but not limited to the French Action.

Dated: New York, New York  
March 26, 2013

SCHINDLER COHEN & HOCHMAN LLP


3-26-13  
SO ORDERED, N.Y., N.Y.  
  
KIMBA M. WOOD  
U.S.D.J.

By:   
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